

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/182,933

Applicant(s)

REITMEIER ET AL.

Examiner

Paul Callahan

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on _____ is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

At least claims 2, 4, 5, 7-14, 16, 25, 27-29 are argued separately in the Arguments Section of the Brief, i.e., arguments are presented distinguishing them from the prior art applied in the rejections, where these arguments are not merely asserting patentability based on dependence from an assertedly patentable independent claim. However, the summary of the invention section does not discuss these claims as outlined in section 4(b)(1.2) supra..

Paul Callahan
6-20-07

Emmanuel L. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Reitmeier *et al.*

Application No. 09/182,933

Filed: October 30, 1998

For: **Secure Information Distribution
System Utilizing Information
Segment Scrambling**

Confirmation No. 2555

Art Unit: 2137

Examiner: Paul E. Callahan

Atty. Docket: 2557.4750001

**Reply Under 37 C.F.R. § 41.37(d) and M.P.E.P. § 1205.03
to Notification of Non-Compliant Appeal Brief**

Attn: Mail Stop Appeal Brief - Patents

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notification of Non-Compliant Appeal Brief that issued June 29, 2007, (PTO Prosecution File Wrapper Paper No. 20070625), Appellants submit the following additions to the Summary of Claimed Subject Matter section of the Appeal Brief that was filed December 8, 2004.

Appellants include herewith a Credit Card Payment Form (PTO-2038) in the amount of \$170.00 to correct the deficiency between the current required brief filing fee for a large entity under 37 C.F.R. § 41.20(b)(2) of \$510.00 and the required brief filing fee for a large entity under 37 C.F.R. § 41.20(b)(2) of \$340.00 that was paid with the Appeal Brief filed December 8, 2004. It is not believed that any additional fees are required. However, if additional fees are necessary to prevent abandonment of this application, then such are hereby authorized to be charged to our Deposit Account No. 19-0036.

Adjustment date: 12/03/2007 MAHMED1
12/08/2004 FME TEK11 00000020 200702 09102933
01 FC:1402 340.00 CR

12/03/2007 MAHMED1 00000027 190036 09102933
02 FC:1402 340.00 DA 170.00 OP

***Summary of the Notification of Non-Compliant Appeal Brief and
Section 1205.03 of the Manual of Patent Examining Procedure***

The Notification of Non-Compliant Appeal Brief states that:

(a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).

The Notification of Non-Compliant Appeal Brief further states that:

At least caims [sic] 2, 4, 5, 7-14, 16, 25, 27-29 are argued seperately [sic] in the Arguments Section of the Brief, i.e., arguments are presented distinguishing them from the prior art applied in the rejections, where these arguments are not merely asserting patentability based on dependence from an assertedly patentable independent claim. However, the summary of the invention section does not discuss these claims as outlined in section 4(b)(1,2) supra..

Section 1205.03 of the Manual of Patent Examining Procedure states, *inter alia*, that:

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice.

Accordingly, Appellants submit the following additions to the Summary of Claimed Subject Matter section of the Appeal Brief that was filed December 8, 2004.

Additions to the Summary of Claimed Subject Matter

The following statements should be added to the Summary of Claimed Subject Matter section of the Appeal Brief that was filed December 8, 2004.

Claim 2 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

2. The method of claim 1, further comprising the steps of:
distributing said encrypted re-sequenced information stream and said index to one or more information consumers. (page 12, lines 21-23; page 18, lines 18-20)

Claim 4 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

4. The method of claim 2, wherein said encrypted and re-sequenced information stream segments are distributed to said one or more information consumers in a temporally discontinuous manner. (page 15, lines 19-26; page 18, lines 28-30)

Claim 5 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

5. The method of claim 3, wherein said encrypted and re-sequenced information stream segments are distributed to said one or more information consumers in a temporally discontinuous manner. (page 15, lines 19-26; page 18, lines 32-34)

Claim 7 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

7. The method of claim 1, wherein:
each of said information stream segments comprises a first number of compressed image frames. (page 6, lines 1-4; page 11, lines 27-29; page 19, lines 8-10)

Claim 8 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

8. The method of claim 7, wherein:
in the case of an information stream segment including one or more predictively encoded compressed image frames, said one or more predictively encoded compressed image frames being predictively encoded using reference image frames within said information stream segment including said one or more predictively encoded compressed image frames. (page 1, lines 14-22; page 1, line 31 to page 2, line 2; page 19, lines 12-18)

Claim 9 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

9. The method of claim 1, wherein:
a first compressed image frame within each of said information stream segments comprises an intra coded frame. (page 1, lines 14-22 and lines 26-31; page 19, lines 20-22)

Claim 10 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

10. The method of claim 1, wherein:
said information stream comprises a plurality of image frames and associated audio frames; and
each of said information stream segments includes a respective first plurality of image frames and a respective second plurality of audio frames, said first plurality of image frames and said second plurality of audio frames intended for presentation during substantially the same temporal period. (page 4, lines 5-14; page 6, lines 13-18; page 19, lines 24-31)

Claim 11 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

11. The method of claim 1, wherein said information stream comprises a plurality of image frames and associated audio frames, and wherein said step of segmenting comprises the steps of:
segmenting said information stream into a plurality of image information stream segments having said first segment sequence, each of said image information stream segments comprising a plurality of image frames;
segmenting said information stream into a plurality of audio information stream segments having a third segment sequence, each of said

audio information stream segments comprising a plurality of audio frames.
(page 4, lines 5-14; page 5, lines 5-8; page 20, lines 1-11)

Claim 12 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

12. The method of claim 11, wherein said step of re-sequencing comprises the steps of:

re-sequencing said image information stream segments to produce a re-sequenced image information stream having said second segment sequence, said first segment sequence being related to said second segment sequence by said index; and

re-sequencing said audio information stream segments to produce a re-sequenced audio information stream having said fourth segment sequence, said third segment sequence being related to said fourth segment sequence by said index. (page 4, lines 5-14; page 5, lines 5-8; page 7, lines 15-29; page 12, lines 9-14; page 20, lines 13-22)

Claim 13 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

13. The method of claim 12, wherein said image information stream and said audio information stream are encrypted using at least one of:

a common encryption technique using a common encryption key;
different encryption keys using said common encryption technique;
different encryption techniques using said common encryption key;

and

said different encryption techniques using said different encryption keys. (page 2, line 32 to page 3, line 1; page 4, lines 20-23; page 5, lines 5-8; page 8, lines 6-15; page 12, lines 16-18; page 16, lines 17 and 18; page 20, lines 24-29)

Claim 14 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

14. The method of claim 1, wherein

said step of encrypting includes a step of encrypting said indicia of buffer behavior. (page 10, line 33 to page 11, line 4; page 11, lines 24-26; page 11, line 34 to page 12, line 3; page 20, line 31 to page 21, line 2)

Claim 16 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

16. The method of claim 15, wherein:
said encrypted re-sequenced information stream is received via a first medium; and
said encrypted index is received via a second medium. (page 4, lines 23-26; page 21, lines 18-21)

Claim 25 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

25. The apparatus of claim 23, wherein:
said index and said encrypted and re-sequenced information stream segments are coupled to one or more information consumers via a distribution channel. (page 8, lines 11-15; page 23, lines 25-28)

Claim 27 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

27. The apparatus of claim 25, wherein:
said encrypted and re-sequenced information stream segments are distributed to said one or more information consumers in a temporally discontinuous manner. (page 15, lines 19-26; page 24, lines 5-8)

Claim 28 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

28. The apparatus of claim 26, wherein:
said encrypted and re-sequenced information stream segments are distributed to said one or more information consumers in a temporally discontinuous manner. (page 15, lines 19-26; page 24, lines 10-13)

Claim 29 positively recites (with reference numerals, where appropriate, and cites to at least one portion of the specification added):

29. The apparatus of claim 28, wherein:
said second distribution channel comprises a plurality of distribution channels, each of said plurality of distribution channels distributing a respective plurality of said encrypted and re-sequenced information stream segments. (page 15, line 31 to page 16, line 10; page 24, lines 15-19)

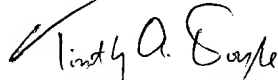
Conclusion

All of the stated grounds of non-compliance have been accommodated. Appellants therefore respectfully request that the above additions be entered into the Summary of Claimed Subject Matter section of the Appeal Brief that was filed December 8, 2004, and that all presently outstanding grounds of non-compliance be withdrawn.

Prompt and favorable consideration of this Reply and the Appeal Brief that was filed December 8, 2004, is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Timothy A. Doyle
Attorney for Appellants
Registration No. 51,262

Date: 29 NOV 07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

748694_1.DOC